



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY/DOCKET NO.	CONFIRMATION NO.
09/785,513	02/16/2001	Robert A. Rider	3191E-000019	5363

27572 7590 03/10/2003

HARNES, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

EXAMINER
----------

LAU, TUNG S

ART UNIT	PAPER NUMBER
----------	--------------

2863

DATE MAILED: 03/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/785,513

Applicant(s)

RIDER, ROBERT A.

Examiner

Tung S Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- a. Claims 1-5, 10-14, 20-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Bertness (U.S. Patent 6,332,113).

Bertness discloses a method for testing battery pack, selecting and measuring first parameter value of the battery pack, determining the result value as function of the isolated first parameter (col. 2, lines 34-41, col. 3, lines 25-50, col. 8, lines 23-48, col. 10, lines 8-29), determining an average of the first value (col. 5-6, lines 55-5), determining the result value (col. 3, lines 52-61), providing an alert signal if result is not within a predetermined range (col. 9, lines 22-35), repeat the testing for the other batteries pack (col. 3, lines 35-49, col. 5-6, lines 55-5), the parameter is conductance, impedance, step of recording the resultant value of a particular battery comparison (col. 8, lines 33-48, col. 3, lines 35-60, col. 10, lines

Art Unit: 2863

30-45, fig. 14, 15), use of microprocessor, memory, electrical communication as input and output (fig. 13).

Bertness does not disclose the battery pack for an electric or hybrid vehicle, Bertness does talk about the invention apply to an automobile industry (col. 1, lines 14-25). It would have been inherent to one of ordinary skill in the art at the time the invention was know that the automobile industry also manufactures electric or hybrid vehicle.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 6-9, 15, 17-19 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertness (U.S. Patent 6,332,113) in view of Wiley et al. (U.S. Patent 6,031,354).

Art Unit: 2863

Bertness discloses a method including the subject matter discussed above except the use of alert signal as an audio, visual, light signal, display screen, keyboard communication with a network setup.

Wiley disclose the use of alert signal as an audio, visual, light signal, display screen, keyboard communication with a network setup (fig. 1, col. 6, lines 20-31, col. 7, lines 20-30), in order to have an user friendly system and to display colored manner to instantaneous recognize by the operator (col. 5, lines 25-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bertness to have the use of alert signal as an audio, visual, light signal, display screen, keyboard communication with a network setup taught by Wiley in order to have an user friendly system and to display colored manner to instantaneous recognize by the operator.

**b.** Claim 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertness in view of Malaspina (U.S. Patent 5,544,784).

Bertness discloses a method including the subject matter discussed in paragraph section 1a except the use of a touch screen as input device.

Malaspina discloses the use of a touch screen as input device (col. 3, lines 35-56), for easy of use by the end user (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bertness to have the use of a touch screen as input taught by Malaspina in order to have an easy of use by the user.

### ***Response to Arguments***

3. Applicant's arguments filed 1/2/2003 have been fully considered but they are not persuasive.

A. Applicant argues that the prior art does not show the comparing measured value of a single cell to an average value of the batteries cells. Bertness shows the comparing measured of a single cells or group of cells in a batteries (col. 2, lines 34-40), the average value of a single cell or group of cells in a batteries (col. 5-6, lines 55-5).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

Art Unit: 2863

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309.

The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TC2800 RightFAX Telephone Numbers : TC2800 Official Before-Final RightFAX - (703) 872-9318, TC2800 Official After-Final RightFAX - (703) 872-9319

TC2800 Customer Service RightFAX - (703) 872-9317

TL

March 4, 2003

**BRYAN BUI**  
**PRIMARY EXAMINER**

